

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

WILLIE FLOWERS

PLAINTIFF

VS.

CIVIL ACTION NO. 3:09CV564TSL-FKB

POLICE OFFICER CEDAR NORWOOD;  
HON. BOBBY B. DELAUGHTER; AND  
CLERK BARBARA DUNN DEFENDANTS

DEFENDANT

ORDER

Plaintiff, who is pro se, filed this § 1983 action against the Hinds County Sheriff's Department, Craig L. Slay, Esq., Police Officers Melvin Wilson and Cedar Norwood, former Hinds County Circuit Court Judge Bobby DeLaughter, and Barbara Dunn, Clerk of the Hinds County Circuit Court, claiming his Fourth and Fourteenth Amendment rights were violated when he was arrested without an arrest warrant on February 7, 2008. Orders have been entered dismissing the claims against the Sheriff's Department and Slay for failure to state a claim on which relief may be granted, dismissing Wilson on the basis of qualified immunity, and dismissing Norwood and DeLaughter for failure to prosecute. The sole remaining defendant, Hinds County Circuit Clerk Barbara Dunn, has moved for summary judgment. Plaintiff Willie Flowers has not responded to the motion. The court, having considered the memoranda of authorities, together with attachments, submitted by

defendant Dunn, concludes her motion is well taken and should be granted.

Plaintiff's only allegations involving Dunn are that she, in her capacity as court clerk, docketed, entered and stamped "filed" the various motions and orders, including the contempt order, in the case brought against him. Dunn correctly argues in her motion that these allegations do not state a claim against her under § 1983, since merely filing and docketing orders, as is her charge under state law, see Miss. Code Ann. § 9-7-171, does not amount to a constitutional violation.

Accordingly, it is ordered that Dunn's motion for summary judgment is granted.

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 19<sup>th</sup> day of July, 2010.

/s/Tom S. Lee

UNITED STATES DISTRICT JUDGE